
Minutes
Regular Meeting
October 23, 2013

Present: Mayor Kenneth F. Neilson, Councilmen Bill Hudson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, IT Director Steve Whittekiend, Events Coordinator Dustin Halterman, Audience: Daylene Ure, Karl Larsen, Ron Thompson, Teresa Turner, Morton Turner, Josh Thayn, Lynn Bergen, Larry Bergen, Mori Kessler, Robbie Staheli, Doug Dennett, Sam Haslem, Karl Rasmussen, Rick Hansen, Brian Neville

Councilman Ron Truman is excused from the meeting.

Meeting commenced at 6:00 P.M.

Invocation: Councilman Staheli

Pledge of Allegiance: Councilman Hudson

1. APPROVAL OF THE AGENDA

Councilman Hudson made a motion to approve the agenda. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

Councilman Staheli stated the Veterans Day Parade is approaching. It will be held on November 11, 2013.

Mayor Neilson stated they are holding early voting this week from 9:00 A.M. to 1:00 P.M. and next week from 1:00 P.M. to 5:00 P.M. at the City Offices.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 09/24/13, 09/25/13, 10/08/13 and 10/09/13.

Councilman Staheli made a motion to approve the consent agenda. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. **PRELIMINARY PLAT**

A. Consideration to approve the Preliminary Plat for Rusted Hills Phases 3, 4, and 5, located at approximately 3300 South 900 East. Applicant: Dennett Construction

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a preliminary plat for the Rusted Hills, Phases 3, 4 and 5 subdivision(s), located at approximately 800 East 3500 South. The applicant is wishing to develop 57 lots on an area covering 25.38 acres. The location of this particular project is split zoned, with Single-Family Residential - 15,000 square foot min. (R-1-15) (on the east boundary), and Residential / Agricultural - One acre min. (RA-1 acre), which will be utilizing the Bonus Density Program for density increase in that area of 21.46 acres.

The applicant is proposing to use the criteria options of; interconnectivity of internal streets (25%), interconnectivity of external streets (25%), mixed lot sizes (4 of them)(20%), preservation of landscaped open space (8%), connection toward the master trail system (10%), tree-lined streets (25%) and the miscellaneous category for partnering in with a regional detention basin for the area (15%). The total credits of 123% applied to the base 21.46 units (21.46 dwellings) with a possible additional 27.61 units (21.46 times 128%), will allow for a possible 49 dwelling units within this bonus density area. The applicant is proposing the 49 dwelling units in the bonus density portion of the proposed subdivision, along with an additional 8 dwelling units found in the area zoned R-1-15, for the total of 57 dwelling units for the entire proposed subdivision phases of Rusted Hills 3, 4 and 5.

The proposed subdivision conforms to the approved zoning designation and also meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Rusted Hills, Phases 3, 4 and 5 subdivision(s) to the City Council, based on the following

findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. The park access off of Camino Real will be fifty foot (50') wide with a trail built on either the north or south side of the access road.

Councilman Seegmiller asked where the plans are located to turn the detention area into a park.

Mr. Ellerman stated the engineer for this project has been working with Public Works to design a regional detention area. We would hope to have more detail about this area tying into the adjacent parcels for the detention prior to final plat approval.

Public Works Director Mike Shaw stated the construction of the park is not the responsibility of the developer. The detention basin construction is the only responsibility of the developer, and then it will be dedicated to Washington City. This will meet our requirement of a regional detention basin, and if at a later date a park is designed, it would be at the expense of Washington City.

Councilman Staheli asked if there is any landscaping around the detention basin.

Mr. Ellerman stated the minimum is the area for the regional detention, which benefits the City. The developer is not required to place landscaping.

Mr. Shaw stated if they do the same thing as the detention basin in Green Springs, it would be a rock lined basin.

Councilman Seegmiller asked what the fault corridor is noted on the plat.

Mr. Ellerman reviewed this area on the map, which is mostly within the road. The lots, which have a fault line within the property would be noted as non-buildable.

Councilman Staheli asked how the trail transitions to a sidewalk at the north of the development.

Mr. Ellerman stated the trail within this development will taper off and connect to the sidewalk on the adjacent parcel.

Councilman Staheli asked if the trail will continue to the south.

Mr. Ellerman stated the trail does continue, and was shown in the development, which was just approved by Council.

Councilman Hudson made a motion to approve the Preliminary Plat for Rusted Hills Phases 3, 4, and 5, located at approximately 3300 South 900 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for consideration to approve Zone Change request Z-13-11, requesting to change the present zone from PUD (Planned Unit Development) to R-3 Multiple-Family Residential) zone, located on the Northwest corner of 100 South and 100 West. Applicant: Brian Neville

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to change the zoning of approximately 0.275 acres, located at the northwest corner of 100 South and 100 West. The requested change is from the current zoning of Planned Unit Development (PUD) to a proposed Multiple-Family Residential (R-3) zoning designation.

The General Plan Land Use Map designation for this location is Medium-High Density Residential (MHD) which allows for density ratios of 7 to 12 dwelling units per acre. The dwelling unit ratio on this proposed development is 11 dwelling units per acre. The surrounding zoning districts are PUD to the north and west, R-1-6 to the east and south.

The applicant is wishing to rezone this particular area to the R-3 zoning designation to build a tri-plex on the property that will remain in a single ownership as an investment and to be rented out. The Millcreek Townhome development borders this proposed project at the west boundary line. That development is a twin home / townhome subdivision.

Staff has reviewed the proposal, it does fall within the dwelling unit ratio as per the General Plan Land Use plan, yet is on the high side of that ratio. The target clients for this development would most likely be elderly, retired folks who would appreciate the smaller yards and close proximity to their neighbors. Staff just feels a little uncertain about the three units in this particular area. Yet with the proposal falling within the dwelling unit per acre ratio, it does meet the criteria for the Medium High Residential Density, thus staff would be willing to support the request due to the multi-family development to the west and the close proximity to several commercial businesses to the north and northeast.

The Planning Commission unanimously recommended approval of Z-13-11, for the zone change request from Planned Unit Development (PUD) to Multiple-Family Residential (R-3), to the City Council, based on the following findings:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Councilman Hudson asked for clarification in the difference between R-2 and R-3.

Mr. Ellerman stated R-2 is for two dwelling units only. R-3 allows for multi-family. This request does meet the zoning requirements.

Councilman Seegmiller asked if there are any reservations with a garage sharing a wall with adjacent unit living wall.

Mr. Ellerman stated he does not have any concerns. The structure would require a fire separation wall.

Councilman Seegmiller asked if the units would have yards.

Mr. Ellerman stated this structure will all be under one ownership, and the yard space would essentially be common area.

Councilman Hudson asked how many units would be allowed if the zone was for straight zoning of R-1-6.

Councilman Staheli asked the density ratio for Millcreek Townhomes.

Mr. Ellerman stated he is not sure what the density is, but he would assume it is pushing 12 units per acre.

Teresa Turner stated she would prefer dropping the units down 2 houses rather than 3 units. She reviewed some pictures of the lots with Council. She feels Millcreek Townhomes works better because it has a direct access to Telegraph, and does not impact 100 South. She would prefer to have a home facing each street because they have homes all around this area. This is a neighborhood with single families. She realizes this fits in the General Plan, but she would rather Council consider what is already in the area.

Lynn Verkin stated she is the president of the HOA at Millcreek. Their concern is with the parking. There is a parking problem in the Millcreek area, and she would not want to make it worse.

Councilman Seegmiller asked if the parking spills out onto 100 South.

Ms. Verkin stated they have a rule that parking cannot be on the street at night. They try to keep the vehicles in the garages or the driveway.

Councilman Staheli asked if some the driveways in Millcreek are smaller than others.

Ms. Verkin stated the driveways on the north units are smaller.

Morton Turner stated he is right across the street from the property. His concern is for the density and the parking on this small of a lot. His business required a significant number of parking when it was approved. The Relief Society Building also has events, which requires parking, and sometimes has to use his. The townhomes behind this proposal do not have adequate parking, and the Desert Rentals has an overflow of parking as well. If these units are allowed there is going to be an even worse parking problem. He thinks two townhomes would better, because there would be better parking.

Councilman Hudson made a motion to close the public hearing. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Mayor Neilson reopened the Public Hearing.

Brian Neville explained when he looked at this property, based on the fact it is surrounded by commercial and multi-family, he felt the multi-family zone would be the best. He reviewed a color rendering with Council.

Councilman Hudson asked if the development were two units would it work.

Mr. Neville stated it would not. The cost is too prohibitive for anything less than three units. They will be good sized, and people will be able to park in their garages, and the driveway.

Councilman Hudson commented the look of the project is very nice. His concern is the density in the downtown area. He would not have approved the townhomes if he were a Councilman when the development came before Council, he would not have been in favor.

Councilman Seegmiller asked if the impact fees are too cost prohibitive.

Mr. Neville stated not only the impact fees, but the water, sewer, and curb and gutter.

Councilman Turek commented he is surprised there are no services stubbed to this property. He shares some of the same concerns as Councilman Hudson. He would be much more conducive to have the property be changed to a R-2. We have to take into consideration the effects of the existing residents, and what type of individuals will occupy the units.

Mr. Neville stated the units will be approximately 1100 square feet with 3 bedroom and 2 bathroom, and there will be a significant amount of landscaping.

Councilman Staheli asked why the applicant has provided a footprint.

Mr. Ellerman stated typically in the R-2 and R-3 zone, they supply a footprint, so Council can see how the plan would function on the lot.

Councilman Staheli asked if this design is presented, will the developer be held to the design.

Mr. Ellerman stated not necessarily.

City Attorney Starkey stated there is nothing to lock in the design with the zone.

Mr. Neville stated the way this design fits would be the only way they could lay out the property for the three units. If they were to apply for a PUD, it requires a minimum of 4 units.

Mr. Ellerman stated they would have to come back to Council with a new zone change for PUD even though it is already zone PUD, because there is no plan attached.

Councilman Turek asked if the applicant would be able to request a deferral for curb gutter and sidewalk.

Mr. Shaw stated they would not be able to defer because all of the surrounding properties have curb, gutter and sidewalk.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an Ordinance adopting Zone Change request Z-13-11 to change present zone from PUD to R-3 zone.

Councilman Hudson made a motion to deny an Ordinance adopting Zone Change request Z-13-11 to change present zone from PUD to R-3 zone based on the density impact it would have on the single family homes in the neighborhood. Councilman Turek seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Nay</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Public Hearing for consideration to adopt the Washington City Power Capital Facilities Plan, Impact Fee Facility Plan, and Impact Fee Study. Kelly Carlson, Power Director

City Manager Roger Carter reviewed:

Every 5 years the department updates the CFP and does a complete review of the Impact Fees related to the CFP and the Impact Fee Facilities Plan. The documents provided are a result of these studies. There is very little to no fiscal impact for revenues collected. Reduction in fees for residential and commercial based on the utilization factors for each category.

Staff recommends approval of the Capital Facilities Plan as presented in June. The Impact Fee Facilities Plan and the Impact Fee schedule at 100% of the engineers recommended fee schedule. This will result in maintaining our current KW rate and reducing impact fees in both residential and commercial applications, which will encourage economic growth.

Councilman Staheli asked what the typical amp service is for a single family home.

Rick Hansen stated most homes generally have 200 amp service. However, there has been an increase in the number of homes, which have started using 400 amp service.

No public comments were made.

Councilman Turek made a motion to close the public hearing. Councilman Staheli seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve an Ordinance adopting the Washington City Power Capital Facilities Plan, Impact Fee Facility Plan and Impact Fee Study.

Councilman Turek made a motion to approve an Ordinance adopting the Washington City Power Capital Facilities Plan, Impact Fee Facility Plan and Impact Fee Study. Councilman Staheli seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. DEVELOPMENT AGREEMENT

A. Consideration to approve an amendment to the Sycamore Estates Development Agreement. Applicant: Robbie Staheli

Community Development Director Drew Ellerman explained this is a continuation from a previous meeting.

Councilman Hudson stated he was comfortable keeping the trail as it has been constructed.

Councilman Seegmiller stated he has no concerns.

Councilman Seegmiller made a motion to accept the sidewalk and trail area as it was constructed in Sycamore Estates. Councilman Turek seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8. ROAD CLOSURE

A. Consideration to approve the parade route road closure for the annual Veterans Day Celebration. Dustin Halterman, Events Coordinator

Events Coordinator Dustin Halter reviewed the Veterans Day Celebration with Council, along with

the proposed parade route and time of event. This event will remain the same as the previous year. The parade will begin at 11:11 this year, so the closure would be from approximately 10:30 A.M. - 12:00 P.M.

Councilman Seegmiller made a motion to close the parade route for the Veterans Day Celebration on November 11, 2013 from 10:30 A.M. to 12:00 P.M. Councilman Hudson seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

9. PRESENTATION

A. Presentation and discussion regarding the Sand Hollow Regional Line and updates from the Washington County Water Conservancy District. General Manager Ron Thompson

Water Conservancy District Manager Ron Thompson reviewed a proposed Sand Hollow Regional Line.

*see attached

He then reviewed future plans for water supply.

City Attorney Starkey asked what would feed the Warner Valley area.

Mr. Thompson stated there will be a pump station from the Washington Fields, which will feed the area.

Councilman Seegmiller asked what the anticipated effect this will have on the Impact Fee and Capital Facilities Plan.

Mr. Thompson stated he hopes the fee will remain close to where it is, but there may be some increase in costs.

City Attorney Starkey asked how soon they anticipate having numbers for Council review in terms of the Capital Facilities Plan.

Mr. Thompson stated they would like to have a consultant reviewing the project within the next few weeks.

Councilman Turek stated this is going to be a great thing for our Southern Area of Washington City.

Mr. Thompson stated he appreciates working with Washington City. He meets with individuals

from Washington City each month, and they are very committed to making Washington City great.

Council agreed this item could be placed on the next agenda for consideration.

City Manager Carter asked if there is anyway we could have more official numbers prior to Council making a formal vote.

Mr. Thompson stated they anticipate the project costing roughly 15 million.

Councilman Seegmiller asked if Council will have an opportunity to review the Capital Facilities Plan prior to adoption.

Mr. Thompson explained Council would not necessarily review the plan prior to approval. The board of trustees would be the ones to approve the plan, but they would like to have consent of the Cities.

Councilman Hudson stated he feels this is a line we need, but he would like to see what the costs are prior to making a vote.

Councilman Turek explained we approve Capital Facilities Plans without numbers because impact fees can be adjusted. The Water Conservancy District is not asking for anything different.

Mr. Thompson stated unfortunately these types of projects are necessary to sustain our economy.

10. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

None

11. CITY MANAGER REPORT

City Manager Carter reviewed the Public Works items as follows, we are doing a 1 ½ inch overlay on the road to Warner Valley. This should be completed the first of November. The Sandhollow section will be in sometime in mid-december. We have the Telegraph Road repair the design which will be advertised the 1st part of november. The Generation Facility is moving forward nicely. The Community Center chiller was repaired, and the insurance is going to cover a portion of the cost. We hope to have some draft plans the first of next month for a cemetery expansion, which will come before Council for review. The semens project is moving forward, and he wrote a small note in the newsletter in order to notify residents of what is taking place as part of this project. We will be beginning the Park and Trail Master Plan review as well as drafting a Police and Fire impact fee. We are waiting for the letter from Fish and Wildlife for the Sullivan Park. We are saddened with the passing of Doug Buchi who was the lands director for SITLA. He was a great gentleman to work with, and we express our condolences to his family.

12. ADJOURNMENT

Councilman Hudson made a motion to adjourn the Regular Meeting. Councilman Turek seconded

the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Meeting adjourned at 7:44 P.M.

Passed and approved this 13th day of November 2013.


Attest by:



Danice B. Bulloch, CMC
City Recorder



Washington City


Kenneth F. Neilson, Mayor

